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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,434	10/15/2003	Tetsuro Motoyama	242160US2CONT	7907

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EXAMINER

PRICE, NATHAN E

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/684,434	Applicant(s) MOTOYAMA ET AL.	
	Examiner Nathan Price	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 5, 8, 9, 13, 16, 17, 21, 24, 25, 29 and 32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 8, 9, 13, 16, 17, 21, 24, 25, 29 and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/27/2006 and 8/22/2006</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to communications received 5 September 2006. Claims 1, 5, 8, 9, 13, 16, 17, 21, 24, 25, 29 and 32 are pending. Claims 1, 5, 8, 9, 13, 16, 17 and 25 have been amended. Claims 2 – 4, 6, 7, 10 – 12, 14, 15, 18 – 20, 22, 23, 26 – 28, 30 and 31 have been canceled. Objections and rejections not specifically included in this Office Action have been withdrawn.

Terminal Disclaimer

2. The terminal disclaimer filed on 15 May 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of US 6,662,225 B1 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Response to Arguments

3. Applicant's arguments filed 5 September 2006 have been fully considered but they are not persuasive or are moot in view of new grounds for rejection. Arguments that are not persuasive and are relevant to the new grounds of rejection are addressed below.

4. With respect to Applicant's arguments about Hintermeister, Wygodny includes remote monitoring, which involves transferring of data. Hintermeister teaches

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packaging data for transfer between systems, which is relevant to the teachings of Wygodny.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 8, 13, 16, 21, 24, 29 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 recites the limitation "the target application" in 3. There is insufficient antecedent basis for this limitation in the claim. Claims 3, 21 and 29 have similar problems. Claims 8, 16, 24 and 32 inherit the deficiencies of claims on which they are dependent.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 5, 8, 9, 13, 16, 17, 21, 24, 25, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wygodny et al. (US 6,202,199 B1; hereinafter

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Wygodny) in view of Aikens et al. (US Pat. 5,414,494; hereinafter Aikens) and Hintermeister et al. (US 6,345,306 B1; hereinafter Hintermeister).

7. As to claim 1, Wygodny teaches a device comprising:

a monitoring unit configured to monitor data of execution of a plurality of operations and to generate a log of the monitored data [col. 5 lines 12 – 23; col. 6 lines 3 – 11];

a communicating unit configured to receive the log of the monitored data, and to communicate the log of the monitored data [col. 6 lines 49 – 54]; and

a setting unit configured to set a number of sessions of utilizing the operations to be executed by the user prior to the communicating unit communicating the log of the monitored data [col. 6 lines 3 – 14; col. 19 lines 17 – 22, 54 – 60; col. 26 lines 30 – 40].

8. Wygodny fails to specifically teach monitoring selections of operations of an operation panel. However, Aikens teaches an image forming device comprising an operation panel of said image forming device, the operation panel comprising a plurality of operations to be selected by a user [col. 3 lines 23 – 33; col. 4 lines 15 – 26] and a monitoring unit configured to monitor data of selecting of the plurality of operations of the operation panel by the user [col. 2 lines 25 – 40]. Wygodny teaches selecting methods to be monitored and Aikens teaches monitoring based on predetermined

conditions and that the user selects functions and determines the conditions through the user interface [col. 4 lines 15 – 26].

9. It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine the teachings of Wygodny and Aikens because Wygodny teaches monitoring of remote systems and defining conditions for monitoring [col. 6 lines 21 – 38; col. 10 lines 52 – 62] and Aikens also teaches monitoring the operation of a remote system based on predefined conditions [col. 2 lines 25 – 40].

10. Wygodny also fails to specifically teach packaging the data in an abstract class. However, Hintermeister teaches [col. 6 lines 5 – 31] data communication, including packaging the data [package elements] into different forms using a packaging object [packager 126] derived from an abstract class [Package base class of the framework; col. 5 lines 51 – 60] receiving an object derived from the abstract class [derived classes such as Physical Contents] including the data [package elements, col. 6 lines 5 – 31] and wherein the abstract class [Framework mechanism 124; col. 5 lines 51 – 60; col. 9 lines 2 – 4; Fig. 7] includes first and second derived classes, the first derived class storing data of one session [col. 9 lines 34 – 36] and the second derived class storing data of the set number of sessions [col. 9 lines 14 – 27].

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11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Wygodny and Hintermeister to provide an easy and efficient definition of different output formats [Hintermeister: col. 2 lines 5 – 37].

12. As to claim 5, Wygodny teaches the communicating unit sends the log of the monitored data when the user exits the target application [col. 6 lines 1 – 20].

13. As to claim 8, Wygodny teaches the communicating unit communicates the log of the monitored data by Internet mail [col. 6 lines 49 – 52].

14. As to claims 9, 17 and 25, see the rejection of claim 1 above.

15. As to claims 13, 21 and 29, see the rejection of claim 5 above.

16. As to claims 16, 24 and 32, see the rejection of claim 8 above.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Price whose telephone number is (571) 272-4196. The examiner can normally be reached on 6:30am - 3:00pm, Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NP


MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
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